

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Subordinate Services - Scheme of Compassionate Appointment to the dependents of Government employees who retired from service on medical invalidation on or before 27.04.2002 - Specifically Tailored Scheme for Compassionate Appointment - Evolved - Orders - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (MDL.II) DEPARTMENT

G.O.Ms.No.56

Dated:02-3-2012

Read the following:

1. G.O.Ms.No.504, G.A.(Ser.A) Dept., dt:30-7-1980
2. G.O.Ms.No.309, G.A.(Ser.A) Dept., dt:04-7-1985
3. G.O.Ms.No.214, G.A.(Ser.A) Dept., dt:09-6-1998
4. Govt. Memo.No.36299/Ser.A/99-1, GA(Ser.A) Dept., dt:25-6-1999.
5. Judgment of Hon'ble High Court of A.P. dt:12-10-2001 in W.P.No.13489/2000 and batch cases
6. G.O.Ms.No.202, G. A. (Ser.A) Department, Dated: 27-04-2002
7. G.O.Ms. No. 44, G.A.(Ser.A) Dept., dated:17-02-2003.
8. G.O.Ms.No.144, PR&RD(Mdl.II) Dept., Dt.1.5.2003.
9. G.O.Ms.No.198, G.A.(Ser.A) Dept., dt:04-7-2003.
10. G.O.Ms.No.234, PR&RD (Mdl.II) Dept., dt:26-7-2003.
11. G.O.Ms.No.229, G.A. (Ser.A) Dept., dt:02-8-2003.
12. G.O.Ms.No.246, G.A. (Ser.G) Dept., dt.30-5-2006.
13. Interim orders of Hon'ble High Court dt.19-12-2007, in WPMP No.18401/2007 in W.P.No.14637/2007 & Batch cases.
14. G.O.Ms.No.124, PR&RD(Mdl.II) Dept. dt.02.04.2008.
15. The Judgment of the Hon'ble Supreme Court of India dt:12.8.2008 in Civil Appeal No.4210/2003 in Siva Murthy Vs State of A.P. case.
16. G.O.Ms.No.661, GA (Ser.G) Dept., dt:23-10-2008.
17. G.O.Ms.No.84, PR&RD (Mdl.II) Dept., dt:24.2.2010.
18. Judgment of the Hon'ble High Court dt.26.07. 2010. in WP No.11957/2007 and batch cases.

Order:

In the reference 1st read above, Government have extended the scheme of compassionate appointment introduced in G.O.Ms.No.687, General Administration (Ser.A) Department, dt:3-10-1977 to the spouse / daughter / son of Government Servants who retired on Medical Invalidation. In the reference 2nd read above, the benefit of compassionate appointment was confined to the cases where Government Servants who retired on medical grounds 5 years before attaining the age of superannuation irrespective of the age of superannuation prescribed for the post and services.

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2. In the reference 3rd read above, orders were issued prescribing suitable safeguards and procedures duly constituting the medical teams, District Level Committees of officers and State Level Committees of officers to prevent any misuse of the scheme of compassionate appointments to the dependents of Government employees who retired on medical invalidation. In reference 4th read above, it was clarified that the required period of 5 years of left over service is to be reckoned from the date of issue of orders of retirement on medical invalidation.

3. In the reference 5th read above, the full bench of the Hon'ble High Court of Andhra Pradesh in its common judgement dated:12.10.2001 in W.P. No. 13489/2000 and batch cases has held that the appointment on compassionate ground on medical invalidation does not satisfy the requirement of Article 16 of the Constitution of India and any policy decision taken by the State is unconstitutional.

4. In the reference 6th read above, orders were issued dispensing with the scheme of compassionate appointment to the dependents of Government employees who retired on medical invalidation consequent to the Judgement dt.12.10.2001 in W.P.No.13489/2000.

5. In the reference 7th read above, orders were issued to consider the cases of dependents of Government Employees who retired on medical invalidation and whose cases could not be considered by 27-04-2002, be considered for appointment on contract basis to the post of Executive Officer, Special Category V (Panchayat Secretary) under Rule 9 of the Andhra Pradesh State and Subordinate Service Rules, 1996. In the reference 8th read above, necessary terms and conditions were prescribed for the contract appointments to the dependants of Government Employees who retired on medical invalidation before 27-4-2002. In references 9th to 11th read above orders were issued prescribing 10th class educational qualification instead of intermediate and for not to observing the communal roaster in making the appointments.

6. In the reference 12th read above, Government have withdrawn the orders issued in G.O.Ms.No.44, General Administration(Ser.A) Department dt.17.2.2003 and G.O.Ms.No.100, General Administration (Ser.G) Department dt.3-3-2005 as the Hon'ble High Court of Andhra Pradesh has taken up Suo Motu Contempt case for issuing the above said orders providing for appointments on grounds of compassion to all the dependents of the former employees of the State who retired on the ground of medical invalidation is contrary to the Full Bench decision of Hon'ble Andhra Pradesh High Court in W.P.Nos. 13489 of 2000 and batch, dated:12-10-2001.

7. In pursuance of the orders issued in 12th read above and based on the instructions issued in Government Memo.No.16892/Mdl.II/A2/2006, dt.11.9.2006 read with Memo. No.2202/CPR&RE/B1/2003, dt.13.9.2006 of Commissioner Panchayat Raj & Rural Employment, Hyderabad the District Collectors in the State have terminated all the Panchayat Secretaries appointed under medical invalidation Scheme during September-November, 2006. Aggrieved by the above said orders, certain Panchayat Secretaries

have filed O.A.Nos.2150/2006 and batch cases before the Andhra Pradesh Administrative Tribunal praying to continue them as Panchayat Secretaries and the Andhra Pradesh Administrative Tribunal in its final Judgement dt.3-1-2007 has rejected the request of the applicants.

8. Aggrieved by the orders of the Andhra Pradesh Administrative Tribunal dt.3-1-2007, number of W.Ps were filed in the Hon'ble High Court by certain terminated Panchayat Secretaries and the Hon'ble High Court in its common interim order dated.19-12-2007 in W.P.M.P.No.18401/2007 in W.P.No.14637/2007 and batch cases has directed the respondents to consider the cases of the petitioners for appointment as Panchayat Secretaries/ Village Revenue Officers/ Junior Assistants and made it clear that such appointments shall purely be on "Contract basis", as they were originally appointed and continuing.

9. In the reference 14th read above, orders were issued permitting all the District Collectors in the State to appoint 1198 terminated Panchayat Secretaries on Contract Basis.

10. In the reference 15th read above, the Hon'ble Supreme Court of India in V. Siva Murthy Vs State of Andhra Pradesh case has set aside the judgement of the High Court in W.P.No.13489/2000 dt.12.10.2001 and upheld the validity of the scheme of compassionate appointment providing that the period of five years of left over service should be reckoned from the date of issue of the order of retirement on medical invalidation and not from the date of application for retirement on medical invalidation. As the scheme was withdrawn by G.O.Ms.No.202, General Administration (Ser.A) Department dt.27.4.2002 to give effect to the impugned decision of the High Court, the State Government is at liberty to revive the scheme with or without modifications.

11. In pursuance of the orders the Apex Court, Government have revived the scheme of Compassionate Appointment to the dependents of Government servants who retired on medical invalidation in the reference 16th read above.

12. As the position stood thus, the Hon'ble High Court in its final judgement in the reference 17th read above has disposed of the WPs with a liberty to the petitioners to represent to the Government for evolving a specifically tailored scheme of compassionate appointment /regular appointment/ regularization of their contract appointments, in case the petitioners are advised that their cases cannot be accommodated within the scheme of Compassionate Appointments spelt out in G.O.Ms.No.661, General Administration (Ser.G) Department dt.23.10. 2008.

13. Accordingly, the Contract Panchayat Secretaries have requested the Government for regularization of their services in the category of Panchayat Secretary from the date of their initial appointments with all consequential benefits in tune with the G.O.Ms.No.661, General Administration (Ser.G) Department dt:23-10-2008.

14. In the reference 17th read above, the Andhra Pradesh Panchayat Raj Subordinate Service Rules were issued for the post of Panchayat Secretary wherein a provision has been made for direct recruitment to the post of Panchayat Secretary Grade.IV with Degree as educational qualification.

15. In the meeting of Group of Ministers on the demands of JAC of Employees held on 18.01.2011, it was felt that the Panchayat Raj & Rural Development Department will examine and work out how many cases are covered with the scheme revived in G.O.661, General Administration (Ser.G) Department dt.23.10.2010. Government have entered into an agreement with the JAC of Employees on 23.01.2011 wherein it was agreed that the medical invalidation scheme for 1198 Panchayat Secretaries working would be worked out within one month as per Court Orders.

16. The Commissioner, Panchayat Raj & Rural Employment in her letter. No.2208/CPR&RE/B1/2003, dt:07-02-2011 have stated that only (8) Panchayat Secretaries out of 1198 Panchayat Secretaries are eligible as per G.O.Ms.No.661,General Administration (Ser.G.) Department dt.23.10.2008.

17. Keeping in view of the judgement of the Hon'ble High Court dt.27.7.2010 in WP.Nos.11957,11967, 14637/2007 and 1594/2008 and after careful consideration of the representations of the Panchayat Secretaries, Government felt it necessary to evolve a specifically tailored scheme of compassionate appointment to consider compassionate appointment/regular appointment to the dependents of Government Servants working as Panchayat Secretaries as one time settlement as they were not covered under the provisions of Scheme of Compassionate Appointment revived in G.O.Ms.No.661, General Administration (Ser.G) Department dt.23.10.2010.

18. Accordingly, Government hereby formulate a specifically tailor made scheme of Compassionate Appointments to 1108 dependents of Government servants who retired on medical invalidation and working as Panchayat Secretaries for appointment as Panchayat Secretary Grade.IV on regular basis as one time settlement in relaxation of age and qualification subject to condition that the candidates who does not possess Intermediate qualification they should acquire the qualification of Intermediate or its equivalent within five years, failing which they will draw the only minimum of time scale with the following guidelines. The appointment shall have only prospective effect. The district -wise breakup of 1108 Panchayat Secretaries is annexed to this order.

- i) The candidates eligible for appointment under this measure shall be the spouse of the Government servant or any one of the dependent children of the employee who retired on medical grounds.
- ii) The eligible person shall be appointed to the post of Panchayat Secretary Grade. IV only.

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- iii) The compassionate appointments shall be made against direct recruitment.
- iv) The appointment of Panchayat Secretary shall be applicable to the candidates who are appointed on medical invalidation under compassionate grounds and working as Panchayat Secretaries as on today.
- v) The dependent of the Government Servants shall be considered for regular appointment to the post of Panchayat Secretary Grade IV without subjecting them to the normal process of recruitment. However;
 - a) A formal notification of vacancy shall be made to the Employment Exchange.
 - b) After filling up the vacancy, the appointing authority will furnish all relevant particulars of the candidate to the Employment Exchange.
 - c) Such appointments should be made under intimation to the Director of Employment and Training.
- vi) The rule of reservation shall be followed strictly while making appointments as Panchayat Secretaries as per 22 & 22(A) of Andhra Pradesh State and Subordinate Services Rules, 1996.
- vii) While making this appointment, the provisions contained in the Andhra Pradesh Public Employment (Organisation of local cadres under regulation of Direct recruitment) Order, 1975(Presidential order on SPF) shall be followed.
- viii) All such cases where the dependents are appointed as Panchayat Secretaries on Medical Invalidation grounds must be reported in detailed by the District Collector to the HOD / Government.
- ix) This Scheme shall be applicable to only to the dependents of Government servants who retired on medical invalidation and working as Panchayat Secretaries.

19. All District Collectors and appointing authorities shall follow the above instructions scrupulously without any deviation.

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20. The Commissioner, Panchayat Raj & Rural Employment shall take necessary further action accordingly.

21. This orders issues with the concurrence of Finance (PC.III) Department vide their U.O.No.3786/62/A1/PC-III/2012,dt:22-2-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R. BISWAL,
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To

The Commissioner, Panchayat Raj & Rural Employment, Hyderabad.

All the District Collectors in the State.

All the Chief Executive Officers Zilla Parishads in the State.

All the District Panchayat Officers in the State.

The Finance (Pen) Department.

The Law (A) Department

The General Administration (Ser.G) Department.

Copy to:

The Accountant General Andhra Pradesh, Hyderabad.

The District Treasuries and Accounts , Hyderabad.

All the District Treasury Officers in the State.

The P.S. to Special Secretary to C.M.

The P.S. to Chief Secretary to Government.

The OSD., to M(PR&RWS)

The P.S. to Principal Secretary (PR)

The G.P. for Service.II , High Court AP., Hyderabad.

The G.P. for PR, APAT., Hyderabad.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE

(Annexure to G.O.Ms.No.56, PR&RD.(MDL.II) DEPT., Dt:2-3-2012.

SI. No.	Name of the District	No of Panchayat Secretaries
1	SRIKAKULAM	8
2	VIZIANAGARAM	19
3	VISAKHAPATNAM	31
4	EAST GODAVARI	11
5	WEST GODAVARI	23
6	KRISHNA	37
7	GUNTUR	117
8	PRAKASAM	68
9	NELLORE	45
10	CHITTOOR	50
11	KADAPA	53
12	ANANTAPUR	32
13	KURNOOL	30
14	MAHABUBNAGAR	90
15	RANGA REDDY	33
16	MEDAK	23
17	NIZAMABAD	31
18	ADILABAD	83
19	KARIMNAGAR	132
20	WARANGAL	70
21	KHAMMAM	26
22	NALGONDA	96
	Grand Total	1108

C.R. BISWAL,
PRL. SECRETARY TO GOVERNMENT(PR).